

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD FOR IDENTIFYING AND USING COMPOUNDS THAT INACTIVATE HIV-1 AND OTHER RETROVIRUSES BY ATTACKING HIGHLY CONSERVED ZINC FINGERS IN THE VIRAL NUCLEOCAPSID PROTEIN** the specification of which \_\_\_\_\_ is attached hereto or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/312,331	September 24, 1994	
08/379,420	January 27, 1995	Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Kenneth A. Weber, Reg. No. 31,677  
 Gregory P. Einhorn, Reg. No. 38,440  
 Guy W. Chambers, Reg. No. 30,617

Send Correspondence to: <b>Gregory P. Einhorn TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8<sup>th</sup> Floor San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: <b>Gregory P. Einhorn</b> Reg. No.: <b>38,440</b> Telephone: <b>415-576-0200</b>
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Full Name of Inventor 1: <b>HENDERSON</b>	Last Name: <b>HENDERSON</b>	First Name: <b>LOUIS</b>	Middle Name or Initial: <b>E.</b>
Residence & Citizenship: <b>Mt. Airy</b>	City: <b>Mt. Airy</b>	State/Foreign Country: <b>Maryland</b>	Country of Citizenship: <b>United States</b>
Post Office Address: <b>10296 Quali Trail</b>	City: <b>Mt. Airy</b>	State/Country: <b>Maryland</b>	Postal Code: <b>21771</b>

Full Name of Inventor 2:	Last Name: <b>ARTHUR</b>	First Name: <b>LARRY</b>	Middle Name or Initial: <b>O.</b>
Residence & Citizenship:	City: <b>Walkersville</b>	State/Foreign Country: <b>Maryland</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>10338 Harp Road</b>	City: <b>Walkersville</b>	State/Country: <b>Maryland</b> Postal Code: <b>21793</b>
Full Name of Inventor 3:	Last Name: <b>RICE</b>	First Name: <b>WILLIAM</b>	Middle Name or Initial: <b>G.</b>
Residence & Citizenship:	City: <b>Frederick</b>	State/Foreign Country: <b>Maryland</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>625 Magnolia Avenue</b>	City: <b>Frederick</b>	State/Country: <b>Maryland</b> Postal Code: <b>21701</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
LOUIS E. HENDERSON	LARRY O. ARTHUR	WILLIAM G. RICE
Date	Date	Date

SF 1040113 v1



C. 1280-169-2

# UNITED STATES DEPARTMENT OF COMMERCE

## **Patent and Trademark Office**

## **ASSISTANT SECRETARY AND COMMISSIONER**

## OF PATENTS AND TRADE

JANUARY 24, 1997

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP  
EUGENIA GARRETT-WACKOWSKI  
TWO EMBARCADERO CENTER, 8TH FL.  
SAN FRANCISCO, CA 94111-3834

A standard linear barcode is positioned horizontally across the page, consisting of vertical black bars of varying widths on a white background.

\*100309761A\*

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11/01/99

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/19/1996

REEL/FRAME: 8230/0924

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS)

ASSTGNOR •

HENDERSON, LOUIS E.

DOC. DATE: 10/31/1986

**ASSIGNOR:**

ARTHUR LARRY O

DOC. NAME: 10/24/1995

**ASSIGNOR:**

SIGNOR:  
RICE WILLIAM C

DOC DATE 10/24/2005

**ASSIGNOR:**

SIGNOR:  
REIN ALAN B

PGC-P107 - 11/07/1100.s

## REFERENCES

SIGNEE:  
HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA, THE, AS  
REPRESENTED BY THE SECRETARY OF THE  
6011 EXECUTIVE BOULEVARD, STE. 325  
ROCKVILLE, MARYLAND 20852

SERIAL NUMBER: 08379420  
PATENT NUMBER:

PEARLENE FOSTER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

11-22-1996

No. 515280-169200/DHHS Ref. No. E-174-93/0

FORM PTO-1595  
(Rev. 6-93)U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Assistant Commissioner

100309761

NOV 19 1996

Original documents or copy thereof  RECEIPT ACC

## 1. Name of conveying party(ies):

Louis E. Henderson  
 Larry O. Arthur  
 William G. Rice  
 Alan R. Rein

2. Name and address of receiving party( RECEIPT ACC)

Name: THE GOVERNMENT OF THE UNITED STATES OF AMERICA as represented by the Secretary of the Department of Health and Human Services

Internal Address: NATIONAL INSTITUTES OF HEALTH  
OFFICE OF TECHNOLOGY TRANSFER

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger         |
| <input type="checkbox"/> Security Agreement    | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other:                |   |

Execution Date: 10/16/96; 10/17/96; 10/16/96;  
10/16/96; 10/16/96

Street Address: 6011 Executive Boulevard, Suite 325

City: Rockville State: Maryland ZIP: 20852

jc511 U.S. PTO  
09/431607  
11/01/99


Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 08/379,420

B. Patent No.(s)

Additional numbers attached?  Yes  No5. Send correspondence to appointed  
associate attorney:

Name: Eugenia Garrett-Wackowski  
 TOWNSEND and TOWNSEND and CREW LLP  
 Two Embarcadero Center, 8th Floor  
 San Francisco, California 94111-3834

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40

- |   |  |
|---|--|
| <input type="checkbox"/> Enclosed   | <input checked="" type="checkbox"/> Charge Fees to Deposit Account |
| <input checked="" type="checkbox"/> Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account |  |

8. Deposit account number: 20-1430

BS08192 11/21/96 08379420

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Eugenia Garrett-Wackowski

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 8

10. Change Correspondence Address to that of Part 5?  Yes  No

OMB No. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:

Do not detach this portion  
 Assistant Commissioner for Patents  
 Box Assignments  
 Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

JOINT  
and SOLE

WHEREAS, We, Louis E. Henderson of 10296 Quail Trail, Mt. Airy, Maryland 21771, a citizen of the USA, Larry O. Arthur of 10338 Harp Road, Walkersville, Maryland 21793, a citizen of the USA, William G. Rice of 625 Magnolia Avenue, Frederick, Maryland 21701, and Alan R. Rein of 32 Hickory Avenue, Takoma Park, Maryland 20912, employees of the Department of Health and Human Services at the time the invention was made, have invented (title of invention): **A METHOD FOR IDENTIFYING AND USING COMPOUNDS THAT INACTIVATE HIV-1 AND OTHER RETROVIRUSES BY ATTACKING HIGHLY CONSERVED ZINC FINGERS IN THE VIRAL NUCLEOCAPSID PROTEIN**, for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

X is identified as U.S. Patent Application:  
Serial No. 08/379,420

Filed January 27, 1995; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his

successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, we hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make

Attorney Docket No. 015280-169200  
DHHS Ref. No. E-174-93/1

any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Louis E. Henderson  
Louis E. Henderson

10/24/96  
Date

STATE OF Maryland)  
COUNTY OF Frederick)

UNITED STATES OF AMERICA

On 24 October 1996, before me, Donna L. Bialozor (here insert name and title of the officer), personally appeared Louis E. Henderson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Donna L. Bialozor  
DONNA L BIALOZOR  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 12, 1998

(Seal)

Larry O Arthur  
Larry O. Arthur

10/24/86

Date

STATE OF Maryland)  
COUNTY OF Fredrick)

UNITED STATES OF AMERICA

On 24 October 1996, before me, Donna L. Bialozor (here insert name and title of the officer), personally appeared Larry O. Arthur, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Donna L. Bialozor  
DONNA L. BIALOZOR  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 12, 1998

(Seal)

  
\_\_\_\_\_  
William G. Rice

10-24-96

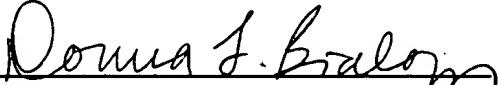
\_\_\_\_\_  
Date

STATE OF Maryland )  
COUNTY OF Frederick )

UNITED STATES OF AMERICA

On 24 October 1996 before me, Donna L. Bialozor (here insert name and title of the officer), personally appeared William G. Rice, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature   
\_\_\_\_\_  
DONNA L BIALOZOR  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 12, 1998

(Seal)

Alan Rein

Alan R. Rein

Nov. 7, 1996

Date

STATE OF Maryland)  
COUNTY OF Frederick)

UNITED STATES OF AMERICA

On November 7, 1996, before me, Donna L. Bialozor (here insert name and title of the officer), personally appeared Alan R. Rein, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature

Donna L. Bialozor

DONNA L. BIALOZOR  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 12, 1998

(Seal)

NIHASSIGN.MRG (8/96)

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